

**Listing of Claims:**

Claim 1 (Canceled).

2. (Currently Amended) The crushing apparatus according to claim [[1]] 6, wherein the motor capacity controller returns the capacity of the hydraulic motor to the predetermined capacity when the load judging device judges that the hydraulic motor is  
5 out of the overloaded state.

3. (Currently Amended) The crushing apparatus according to claim [[1]] 6,  
wherein the rotary crusher is driven by two hydraulic  
motors; and

5 one of the hydraulic motors is the capacity-variable motor.

4. (Currently Amended) The crushing apparatus according to claim [[3]] 6, wherein the other of the hydraulic motors is a capacity-switchable motor that can be switched between two positions respectively providing the large capacity and the  
5 predetermined capacity.

5. (Currently Amended) The crushing apparatus according to claim [[1]] 6, wherein the capacity-variable motor is a control motor that changes the capacity by self-pressure.

6. (Currently Amended) A crushing apparatus comprising:

a rotary crusher;

a hydraulic motor for rotating the rotary crusher, wherein the hydraulic motor is a capacity variable motor that can be  
5 switched between a predetermined capacity and a large capacity;

a feeder for feeding an object to be crushed to the rotary crusher;

a controller for controlling the feeder and the hydraulic motor;

10 a load detector for detecting a loading state of the hydraulic motor;

a load judging device for judging whether the loading state of the hydraulic motor detected by the load detector is in an overloaded state or an underloaded state;

15 a feeding amount controller for decreasing or stopping a feeding by the feeder of the object to be crushed when the load judging device judges that the hydraulic motor is in the overloaded state and for increasing or starting the feeding by the feeder of the object to be crushed when the load judging

20 device judges that the hydraulic motor is in the underloaded  
state; and

a motor capacity controller for changing a capacity of the  
capacity-variable motor to the large capacity when the load  
judging device judges that the hydraulic motor is in the  
25 overloaded state; ~~and~~

wherein the feeding amount controller includes:

a crushing duration time measuring unit for measuring a  
crushing duration time between time points when the feeding of  
the object to be crushed is increased or started and when the  
30 feeding of the object to be crushed is decreased or stopped;

a time judging unit for judging whether the measured  
crushing duration time is longer than a predefined set time; and

a feeding amount adjusting unit that decreases a capability  
of the feeder in a subsequent feeding process when the measured  
35 crushing duration time is equal to or shorter than the set time,  
and increases the capability of the feeder in the subsequent  
feeding process when the measured crushing duration time is  
longer than the set time.

7. (Previously Presented) The crushing apparatus according  
to claim 6, wherein the feeder is a tub that is rotatably  
provided on an upper portion of the crusher, the tub rotating to  
feed the object to be crushed to the crusher; and the crushing

5 duration time measuring unit measures a forward-rotation time of the tub which rotates in a direction for feeding the object to be crushed to the crusher to provide as the crushing duration time.

8. (Previously Presented) The crushing apparatus according to claim 7, wherein an upper limit value and a lower limit value of the forward-rotation speed are set for the tub; and

the feeding amount controller has a lower limit value  
5 setting unit for setting the lower limit value as a rotation marginal value at which the rotation of the tub is not stopped.

9. (Previously Presented) The crushing apparatus according to claim 8, wherein the feeding amount controller has an upper limit value setting unit for setting the preset rotation speed for the tub to the upper limit value of the rotation speed when  
5 the measured crushing duration time is judged to be longer than the set time.